

Chapter 8

Flood Control Projects and Drought Emergencies

17-8-1 Powers of county -- Contracts with United States -- Construction of flood control project.

A county may contract with the United States of America, or any agency thereof, for the construction of any flood control project within the county designed to abate or control flood waters or any excessive or unusual accumulation of water in any natural or artificial basin, stream, or body of water or for the protection of life and property against the danger, menace, injury or damage resulting from said waters.

Amended by Chapter 227, 1993 General Session

17-8-2 Maintenance of project -- Acquisition of property.

A county may contract to maintain such flood control projects after the construction work is completed, which maintenance may be without expense to the United States of America, and may contract to and acquire easements and rights of way to relocate public roads or bridges when the replacement shall be rendered necessary by the construction of any flood control project and may give satisfactory assurance to the United States of America, or any agency thereof, that the location, relocation, building or rebuilding of such roads, rights of way, or bridges shall be done without expense to the United States of America or any agency thereof.

Amended by Chapter 227, 1993 General Session

17-8-3 Distribution of waters -- Operation of projects.

The duty of distributing the waters of and operating the flood control project when completed shall rest upon the state engineer of the state of Utah provided, that the cost of such distribution and operation of the project by the state engineer shall be borne by the county entering into the cooperative contract with the United States of America for the construction and the operation of the flood control project.

No Change Since 1953

17-8-4 Joint action of two or more counties.

Whenever the construction of a flood control project, as hereinabove provided, shall be for the mutual benefit of two or more counties, the boards of commissioners of counties may jointly enter into such co-operative contracts with the United States of America, or any agency thereof, for the construction of such flood control project.

No Change Since 1953

17-8-5 Clearing, improving, fencing, and construction of natural channels, sewers, and drains -- Enforcement of laws and regulations.

In anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters, the county may remove any obstacle from any natural channels within the county and the incorporated municipalities in the county. For the same purpose the county may plan for and construct new channels, storm sewers, and drains to serve as though they were natural

channels. The county may cause such channels, storm sewers, and drains to be surveyed, and the county legislative body may, by ordinance, establish their location and dimensions. The county legislative body may promulgate regulations to prevent the destruction or obstruction of these channels, storm sewers, and drains, and may provide for the enforcement of those regulations. The county legislative body may also provide for the maintenance, improvement, and fencing of all such channels, including covering or replacement with buried conduits. To implement the establishment, clearing, protection, and continued use of such channels, storm sewers, and drains, the county may acquire, by right of eminent domain necessary easements and rights of way. All laws and sanitary regulations against the pollution of water in natural streams, canals, and lakes shall be enforced by the county executives in their respective counties, or, by the state, through the attorney general and in co-operation with the state board of health, state fish and game commission, and the several county legislative bodies.

Amended by Chapter 227, 1993 General Session

17-8-5.5 Protection of channels and flood plains -- Acquisition of land.

The county legislative body may also provide by ordinance for the protection and use of flood channels and present flood plains on rivers, streams, and canals located within the county and the incorporated municipalities in the county and may establish by ordinance the boundaries of these flood channels and present flood plains. The county may acquire and hold by gift or purchase, such lands, rights of way, easements, or other interests in property within the established boundaries of these flood channels and present flood plains. Flood plain as used herein means the lands along the course of the river or stream which is periodically flooded and for which flood control protective works would normally be provided or desirable.

Amended by Chapter 227, 1993 General Session

17-8-6 Taxation by counties.

Counties are authorized to levy a tax on real and personal property therein.

Amended by Chapter 30, 1961 General Session

17-8-7 Declaration of drought emergency -- Appropriation -- Tax levy.

- (1) The county legislative body of each county may at any regular meeting or at a special meeting called for such purpose, declare that an emergency drought exists in said county; and thereupon may appropriate from the money not otherwise appropriated in the county general fund such funds as shall be necessary for the gathering of information upon, and aiding in any program for increased precipitation within said county or in conjunction with any other county or counties, or that if there are not sufficient funds available in the county general fund for such purpose, the county legislative body may, during any such emergency so declared by them, assess, levy, and direct the county to collect annually to aid in any program of increased precipitation.
- (2) The provisions of Chapter 19a, County Auditor, relating to budgeting do not apply to appropriations necessitated by such an emergency.

Amended by Chapter 17, 2012 General Session